8: Lužbetak E-4 (no date) 1951 RHI Caucasia RHI

(4) The *atalyk* is a form of adoption once spread among all mountain tribes of North Caucasus,[92] the Ossetes,[93] the Tartars, e. g., the Kumyks.[94] We still find it today among the Kabardians, but the practice has become rare.[95] Soon after birth,[96] or, as some authors claimed, at the age of seven or twelve, the prince or princess is received into a noble family to be brought up by foster-parents. The prince is taught to ride, to be brave, eloquent and polite, and to steal. When he is old enough to carry arms, he returns to his father.[97] Princesses are usually poorly nourished, for slenderness may not be divorced from the dignity of a princess. She is taught by her foster-mother how to embroider, weave, make straw mats and baskets.[98] She may not be seen by her parents until her marriage, and it is the right of the foster-father to select a mate for her.[99] The *atalyk* is usually restricted to the upper classes,[100] the foster-parents being chosen from the next (lower) class.[101] The relation between the foster-child and the educator is as intimate and as sacred as actual blood-relationship, if indeed not more so. Sometimes a foster-child will take revenge on his own father to repair an injury done to his adopted family.[102] Marriage between the foster-child and a member of the educator's family are, of course, prohibited. We are unable to say to what degree: on the one hand, the older explorers failed to inquire into *adats* regarding this prohibition; while, on the other hand, the institution has practically disappeared, so that now it is impossible to ascertain the degree through new enquiries.[103] The *atalyk* is perhaps a pre-Islamic institution borrowed from the Turco-Mongols.

(5) We find several other forms of adoption in the Caucasus. Islamic law does not recognize any impediment arising from adoption, except, of course,

---

[92] Ladyženskij, FT, p. 200.
M. Kovalevskij, *Coutume contemp.*, p. 191.

[93] Leontovič, II, pp. 252 f, §§ 152—160.

[94] M. Kovalevskij, *l. c.*

[95] Ladyženskij, *l. c.*

[96] P. S. Pallas, *Bemerkungen auf einer Reise in die südlichen Statthalterschaften des russischen Reichs 1793—1794*, I, p. 388;
J. Mourier, *Guide au Caucase*, Part I, p. 137;
J. Klaproth, "Voyage au Caucase," *Nouvelle Bibliotheque*, Tome XI, p. 170;
Ladyženskij, *l. c.*

[97] Ellis, *Memoir of a Map etc.*, pp. 22 f; Pallas, *l. c.*

[98] Pallas, *op. cit.*, I, p. 389.

[99] Pallas, *op. cit.*, I, p. 388 f.

[100] Ladyženskij, *l. c.* Digorian *farsagleg* class (*infra*, pp. 63 f) has the custom too; cf. Kovalevskij, *Coutume contemp.*, pp. 212 f.

[101] Leontovič, II, pp. 252 f., §§ 152—160.

[102] Ladyženskij, *l. c.*

[103] The *atalyk* was a means of reconciliation after a murder had been committed. The murderer would kidnap a child of the victim and become its foster-father, thus making revenge impossible. (Baddeley, *op. cit.*, I, p. 262; Ladyženskij, *l. c.*; Leontovič, I, p. 140; Dirr, AGKB, p. 43.) Reineggs however gives an example of such an adopted son who was constantly waiting for an opportunity to carry out his sacred obligation of vengeance, regardless of fosterage (*Allgemeine historisch-topographische Beschreibung des Kaukasus*, I, pp. 221 f.). For more about the *atalyk* see the authors cited and N. Danilewski, *Der Kaukasus*, pp. 120—125.

582 relationship by milk. As is well known, Mohammed had an adopted son, his
597 own emancipated slave named Zaid ibn Hâriṯah, who had a beautiful wife, at least beautiful in the eyes of the Prophet. Mohammed persuaded Zaid to divorce her and thus to make it possible for the Prophet to marry her. The faithful, however, were greatly scandalized, for the "sinless" Prophet married the wife of his "son". Mohammed seemed to have no way of extricating himself from this awkward position, but fortunately Allah had pity on him and favoured him with another revelation according to which all fosterage is sinful and non-existent. If anyone dares to call another person by the name of "father" and if that person did not actually beget him, he will infallibly be cursed by Allah and all His Angels.[104] In the Caucasus children are adopted and, as is the case with the Cherkess today, enjoy the full and equal rights of natural sons and daughters.[105] M. Kovalevskij found adoption in practice among the Ossetes. Here too the adopted son would be regarded as a true "son" who was able to perpetuate the family.[106] Formerly fictitious relationship could arise among the Cherkess by a mere pronouncement of the formula, "I adopt you," or "You are my daughter," or "You are my sister." From that moment the person adopted would have to consider the relatives of the person who pronounced the formula, as his own. A murderer could form a fictitious relationship in Ossetia by consecrating himself to his victim in a special ceremony at his grave.[107] Among the Ossetes adoption sometimes took place before the mother of the family. The person to be adopted would say to her, "From today on you are my mother; I am your son." The mother would then uncover her breast and answer, "I am your mother; you are my son."[108] As is only to be expected, adoption occurs very rarely, in fact only in extreme necessity to prevent extinction of the family. Adoption cannot be frequent because the mountaineers insist on purity of blood, and to adopt a child unnecessarily would imply giving away family property to a fictitious member.[109] Owing to the lack of data, we can only call the attention of the fieldworker to the following two problems: firstly, exactly *which* tribes consider adoption an impediment to mating; secondly, to which degree of fictitious relationship.

4. Disparity of Social Rank

565 We now come to the obligation of marrying exclusively within one's own
582 social rank. But before we can begin to speak of this form of endogamy we must briefly describe the social stratification in the Caucasus.

The NORTHWESTERNERS. The *Abkhazian* society was formerly divided into four distinct classes: (1) the princes, (2) the *Chinakma*, i. e., the

---

[104] Koran, xxxiii, 5. Cf. J. Henninger, *Die Familie bei den heutigen Beduinen Arabiens und seiner Randgebiete*, Leiden, 1943, p. 64. Juynboll, *op. cit.*, p. 187. R. Roberts, *Das Familien-, Sklaven- und Erbrecht im Qorân*, Leipzig, 1908, pp. 39 ff.

[105] Ladyženskij, FT, p. 202.

[106] Kovalevskij, *Coutume contemp.*, p. 203.

[107] Kovalevskij, *op. cit.*, p. 204.

[108] *ibid.*

[109] Kovalevskij, *op. cit.*, p. 203.

8: Lužbetak E-4 (no date) 1951 RH1 Caucasia RH1

these have been felt either exclusively among the Southern Caucasians or have not been very great. The Roman-Byzantine influence was passed on to the North Caucasian tribes mainly through the Armenians and Georgians, which, however, did not affect their customary laws to any appreciable extent. Kovalevskij had a tendency to overemphasize these influences : he believed, for example, that the practice of offering an engagement gift to the bride or her family was of Roman-Byzantine origin,[7] and that the status of the Caucasian women had been greatly affected by Byzantine law.[8]

§ 2. MARRIAGE AND THE FAMILY OF THE CAUCASIANS IN THE LIGHT OF ANTHROPOLOGY

1. Analysis of Caucasian Adats : Predominant Character of North Caucasian Marriage and Family Customary Laws That of a Pastoral Nomadic Civilization

After having removed the above-mentioned historical influences and changes in the marriage and family laws of the Caucasians, we now arrive at a more or less pure *adat*-law. Considering the marriage and family customary laws as a whole, we must conclude that we have before us a typically pastoral nomadic[9] marriage and family, and this although there are no pastoral nomads in the Caucasus in the strict sense of the word. Though some of the elements we shall now enumerate are also found in other cultures (for example, adultery is sometimes punished as severely by food-gatherers as by pastoral nomads), it is not the individual example we wish to stress but rather the entire institution of marriage and family taken as a whole. It should also be noted that the following summary is only an incomplete and general one : for details, therefore, the reader must look up the references given.

[595] (1) We have seen, for example, how widespread *polygyny* was among the North Caucasians.[10] We fully agree with Briffault, who has shown that all pastoral societies and societies which have passed " through a prolonged pastoral stage are all without exception in the highest degree polygamous."[11]

[597] (2) The *atalyk*,[12]

[391] (3) the *levirate*,[13]

(4) *patrilocality*,[14]

[7] Kovalevskij, *Zakon*, I, p. 136.

[8] Kovalevskij, *op. cit.*, I, pp. 139 f. He treats of these influences in detail in *op. cit.*, I, pp. 83—122.

[9] By pastoral nomadic we understand the various customs and laws commonly found among all the pastoral nomadic Turco-Mongols and Indo-Europeans. Many of the components of the Semitic and Hamitic cultures are also pastoral nomadic. Whether the pastoral nomadic culture is a primary (i. e., immediately following upon the food-gathering stage, being the oldest form of animal-breeding) or only secondary or even tertiary (i. e., the result of later specialization, a further development of a pastoral-agrarian culture) does not affect our analysis nor any of our conclusions.

[10] *Supra*, pp. 39—50.

[11] *The Mothers*, II, p. 256.

[12] *Supra*, p. 57.

[13] *Supra*, pp. 71—75.

[14] *Supra*, pp. 124 f.